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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,133	02/28/2002	Lon Klein	30103/00301	3618
7590 08/24/2004			EXAMINER	
Fay Kaplun & Marcin, LLP 17th Floor 100 Maiden Lane New York, NY 10038			DUONG, THANH P	
			ART UNIT	PAPER NUMBER
			1764	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,133

Applicant(s)

KLEIN, LON

Examiner

Tom P Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,18,20 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) 2-17,19,21,22 and 28-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,18,20 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/4/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The petition for reinstatement of the patent application filed 5/25/04 has been considered and granted by director of tech center 1700.

2. Applicant also reaffirmed the election of Group IV, claims 1, 18, 20, and 23-27. Applicant has not indicated the election with or without traverse.

Accordingly, the election has been treated as an election without traverse.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 18, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (5,772,525) in view of Hardness (1,677,099). Regarding claims 1 and 23-24, Klein discloses a putter (14) comprising: a grip (23), a shaft (12) having a first end and a second end, wherein the grip (23) is attached to the first end of the shaft; a hosel 16 attached to the second end of the shaft (Col. 5, lines 1-10); a head attached to the hosel (Fig. 2), the head having a striking face

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(24); and an alignment feature of the putter adapted to ensure correct assembly of the head onto the shaft (Figs. 4-8, Col. 2, lines 52-57 and Col. 7, lines 19-49). Klein fails to disclose a grip having an anatomically correct shape to promote proper grasping of the putter and the handle is oriented in a selected direction when gripped. Hardness teaches the handle 22 with substantially semi-elliptical shape and the flat surface of the handle snugly fit into the hands of a player and provide a firm grip (page 1, lines 39-51) and the handle also provides proper positioning of the club. Thus, it would have been obvious in view of Klein to modify the grip of Klein with the grip configuration of Hardness to provide a player with a firm grip and facilitate the positioning and orientation of the club head. Regarding claim 18, Klein discloses the shaft is made from one of a polymer material and a composite material (Col. 6, lines 9-15). With respect to material construction of the grip, hosel, and head, it is conventional to fabricate club parts with polymer and composite material and it would have been obvious to do so here for its structural strength, light weight construction and eased in molding. Regarding claim 24, Klein discloses a parallax collimating device (sighting line as shown on Figure 7) of the head for visually indicating to the golfer when a preferred stance is maintained (Col. 3, lines 39-44 and Col. 7, lines 34-49).

4. Claims 20 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied references (Klein '525 in view of Hardness '099) as applied to claims 1 and 23 above, and further in view of Karns (3,075,768)

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and Florian (3,679,207) and Simmons (5,489,097). Regarding claim 20 and 25, Klein fails to show a first balancing weight disposed in the grip and a second balancing weight disposed in the head. Klein teaches a golf club head with weight inserted in the grip to provide proper balance in the club (Figs. 1 and 4, Col. 1, lines 9-25). Likewise, Florian teaches a weight 15 is added to the upper end of the handle 16 to provide a balanced putter (Col. 1, lines 71-75). Simmons teaches the solid weights 40 and 41 are inserted in the putter head (Fig. 5) to reduce the incidence of gyration and reduce vibrations and provide a balanced putter (Col. 3, lines 62-67). Thus, it would have been obvious in view of Karns and/or Florian and Simmons to one having ordinary skill in the art to modify the putter head of the applied references with weight disposed in the grip portion as taught by Karns and/or Florian to provide a balanced putter head and weight disposed in the putter head as taught by Simmons in order to reduce twisting of the putter head, reduce vibrations, and provide a balanced putter head.

Regarding claim 26, the modification of the putter head of Klein in view Simmons (weights 30, 40, 41) facilitates the adjustment of the center of gravity along the three axis. Regarding claim 27, the modification of the putter head of the applied references (Klein '525 in view of Hardness '099) in view Simmons provides a balanced putter system.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Duong
August 12, 2004

TD


Glenn Caldarola
Supervisory Patent Examiner
Technology Center 1700